



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,072	08/31/2001	Tom R. Vandermeijden	3399P072	3009

26529 7590 03/30/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,072

Applicant(s)

VANDERMEIJDEN, TOM R.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2645

DETAILED ACTION

Claim Objections

1. Claims 4, 19 and 28 are objected to because of the following informalities: regarding claims 4, 19 and 28, the phrase "after failing to locate the in the contact database" appears to be the phrase "after failing to locate the data in the contact database". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 8, 9, 16-18, 20, 21, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lefeber et al. (U.S. Pub. No. 2002/0046299).

Regarding claims 1 and 16, Lefeber teaches receiving a telephone number associated with a voice call involving the mobile device (i.e., mobile communication device) (fig.4; page 7, paragraphs 0059, 0060).

Lefeber further teaches when a data connection is established between the mobile device and a third party network 409 (i.e., remote processing system) via the wireless network, then automatically obtaining message (i.e., data) associated with the telephone number via the wireless network (fig.4; pages 7, 8, paragraphs 0059-0062).

Art Unit: 2645

Lefebber further teaches storing the message in the contact database in association with the telephone number (fig.4; pages 7, 8, paragraphs 0059-0062, 0065).

Regarding claims 2 and 17, Lefebber teaches receiving Caller-ID information including the telephone number and associated with an incoming call to the mobile communication device (page 7, paragraphs 0059, 0060).

Regarding claims 3 and 18, Lefebber teaches receiving a telephone number associated with an outgoing call being placed by a user of the mobile (page 7, paragraphs 0059, 0060).

Regarding claims 5 and 20, Lefebber teaches a browser to allow a user of the mobile communication device to navigate hypermedia information, and wherein the obtaining the data associated with the telephone number via the wireless network is done automatically by the browser (page 7, paragraphs 0059, 0060).

Regarding claims 6 and 21, Lefebber teaches automatically requesting the data associated with the telephone number from a remote server via the wireless network when the data connection is established (pages 7, 8, paragraphs 0059-0062, 0065).

Regarding claims 8 and 23, Lefebber teaches the obtained data associated with the telephone number comprising name or address information associated with the telephone number (page 7, paragraphs 0059, 0060).

Regarding claims 9 and 24, Lefebber teaches the obtained data associated with the telephone number comprising E-Commerce Alert (i.e., ring tone data) for use to generate a ring tone indicating the incoming voice call (pages 7, 8, paragraphs 0059-0062, 0065).

Art Unit: 2645

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 10-12, 14, 15, 19, 25-30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefeber et al. (U.S. Pub. No. 2002/0046299) and in view of Fleming, III (U.S. Patent No. 6,697,484).

Regarding claims 4, 19 and 28, Lefeber fails to teach “attempting to locate the data associated with the telephone number in the contact database, wherein said obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database”. Fleming teaches attempting to locate the alphanumeric identifier (i.e., data) associated with the telephone number in the memory (i.e., contact database), wherein the obtaining alphanumeric identifier (i.e., data) associated with the telephone number via the wireless network is performed only after failing to locate the alphanumeric identifier in the memory (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefeber to allow attempting to locate the data associated with the telephone number in the contact database, wherein the obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve

Art Unit: 2645

the alphanumeric identifier associated with originator's telephone number via the wireless network.

Regarding claims 10 and 25 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Lefebber fails to teach "if the data associated with the telephone number is not stored in the contact database, then waiting to establish a data connection with a remote server via the wireless network, and when the data connection is established". Fleming teaches if the alphanumeric identifier (i.e., data) associated with the telephone number is not stored in the memory (i.e., contact database), then waiting to establish a e-mail connection (i.e., data connection) with a remote computer (i.e., server) via the wireless network, and when the e-mail connection is established (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow waiting to establish a data connection with a remote server via the wireless network, and when the data connection is established if the data associated with the telephone number is not stored in the contact database as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via email.

Lefebber further fails to teach "automatically requesting the data associated with the telephone number from the remote server via the wireless network". Fleming teaches automatically requesting the alphanumeric identifier (i.e., data) associated with the telephone number from the remote server via the wireless network (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow

Art Unit: 2645

automatically requesting the data associated with the telephone number from the remote server via the wireless network as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via the wireless network.

Lefeber further fails to teach "receiving the data associated with the telephone number via the wireless network, and storing the data associated with the telephone number in the contact database in association with the telephone number". Fleming teaches receiving the data associated with the telephone number via the wireless network, and storing the data associated with the telephone number in the memory (i.e., contact database) in association with the telephone number (fig.4; col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefeber to allow receiving the data associated with the telephone number via the wireless network, and storing the data associated with the telephone number in the contact database in association with the telephone number as taught by Fleming. The motivation for the modification is to have doing so in order to store the alphanumeric identifier associated with originator's telephone number in the memory.

Regarding claims 11 and 26 are rejected for the same reasons as discussed above with respect to claim 2.

Regarding claims 12 and 27 are rejected for the same reasons as discussed above with respect to claim 3.

Regarding claims 14 and 32 are rejected for the same reasons as discussed above with respect to claim 8.

Art Unit: 2645

Regarding claims 15 and 33 are rejected for the same reasons as discussed above with respect to claim 9.

Regarding claim 29 is rejected for the same reasons as discussed above with respect to claim 5.

Regarding claim 30 is rejected for the same reasons as discussed above with respect to claim 6.

6. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre et al. (U.S. Pub. No. 2002/0046299) and in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 7 and 22, Lefebvre fails to teach "the obtained data associated with the telephone number is contained in a vCard". Ho teaches the obtained data associated with the telephone number is contained in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebvre to allow the obtained data associated with the telephone number is contained in a vCard as taught by Ho. The motivation for the modification is to have doing so in order to provide name and office telephone number.

7. Claims 13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre et al. (U.S. Pub. No. 2002/0046299) and in view of Fleming, III (U.S. Patent No. 6,697,484) and further in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 13 and 31 are rejected for the same reasons as discussed above with respect to claim 7.

Art Unit: 2645

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enzmann et al. (U.S. Patent No. 6,516,203) teach Method and system for providing additional information to a subscriber based on a universal resource locator and Barvesten (U.S. Patent No. 6,311,057) teach Method of calling a mobile station in a mobile telephone system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE
March 20, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

